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GIFT OF

Iowa Board of Parole

Received

Apr. 16, 1917.

State of Iowa

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Parole Law

C#

The Statutes of Iowa pertaining to the Board of Parole, maximum indeterminate sentence and parole of prisoners; also the law as to pardons, paroles from the bench, good time to trustees, honor time and escapes from parole; also rules of the Board and index to crimes



—1916—

Issued by the
Iowa Board of Parole
Des Moines

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THE BOARD OF PAROLE

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1916

APR 16 1917

Bd. of Parole

**THE LAW PERTAINING TO THE BOARD
OF PAROLE, MAXIMUM INDETER-
MINATE SENTENCE AND PAROLE
OF PRISONERS. ALSO THE LAW AS
TO PARDONS, PAROLES FROM THE
BENCH, GOOD TIME TO TRUSTIES,
HONOR TIME, AND ESCAPES FROM
PAROLE.**

Sec. 5718-a4. **The Reformatory.** Hereafter the penitentiary at Anamosa shall be officially known and designated as "the reformatory," and shall be the reformatory department of the state penitentiary of Iowa. (32 G. A., Ch. 192, Sec. 1.)

Sec. 5718-a5. **Commitments.** Any male person who shall be committed to the penitentiary after the fourth day of July, nineteen hundred and seven (except those convicted of murder, treason, sodomy or incest), and who at the time of commitment is between the ages of sixteen and thirty years, and who has never before been convicted of a felony, shall be confined in the reformatory; provided, however, that persons between the ages of sixteen and thirty years convicted of rape, robbery, or of breaking and entering a dwelling house in the night-time with intent to commit a public offense therein, may, as the particular circumstances may warrant, in the discretion of the court, be committed to either the reformatory at Anamosa, or the penitentiary at Fort Madison. (32 G. A., Ch. 192, Sec. 2.)

Sec. 5718-a6. **Insane department.** The criminal insane shall continue to be confined in the insane department at Anamosa, as provided in section fifty-seven hundred and nine of the code. (32 G. A., Ch. 192, Sec. 3.)

Sec. 5718-a7. **Transfer of prisoners for violation of rules or insubordination.** Any male prisoner confined in the reformatory may be transferred to the penitentiary at Fort Madison, upon order of the board of control, for violation

of the rules of the reformatory or for insubordination and a like transfer may be ordered by said board whenever it shall be of the opinion that a prisoner is not a hopeful subject for reformatory treatment. (32 G. A., Ch. 192, Sec. 4.)

Sec. 5718-a8. Transfer of prisoners over age limit—former convictions. If it shall appear at any time after conviction and incarceration in the reformatory that a prisoner was over thirty years of age at the time of commitment, he shall be at once transferred to the prison at Fort Madison, and he shall likewise be transferred if it shall appear that he had, prior to the last conviction, been convicted of a felony in Iowa or elsewhere. (32 G. A., Ch. 192, Sec. 4½.)

Sec. 5718-a9. What prisoners retained in reformatory—transfer of life prisoners. The board of control may retain in the reformatory such persons as have been or are committed to the penitentiary at Anamosa for crimes committed on or prior to July fourth, nineteen hundred and seven, except that all persons convicted of murder in the first degree and all persons sentenced to life imprisonment shall be kept and confined in the prison at Fort Madison and a transfer shall be made as soon as reasonably convenient after July fourth, nineteen hundred and seven, from the reformatory to the prison at Fort Madison of the persons named in this exception, provided that prisoners committed for life who are now beyond fifty-five years of age shall not be removed. (32 G. A., Ch. 192, Sec. 5.)

Sec. 5718-a10. Transfer when Fort Madison penitentiary is overcrowded. Whenever there is unoccupied room in the reformatory and the prison at Fort Madison is overcrowded, the board of control may, in its discretion, transfer from the prison at Fort Madison well-behaved and most promising convicts, who are confined for their first offense. The prison at Fort Madison shall be deemed to be overcrowded when the number of inmates exceeds the number of cells. (32 G. A., Ch. 192, Sec. 6.)

Sec. 5718-a11. Employment of inmates. The inmates of the reformatory shall be employed only on state account, which employment shall be con-

ductive to the teaching of useful trades and callings so far as practicable, and the intellectual and moral development of the inmates; provided, however, that the inmates of the reformatory may be employed to complete any contracts for prison labor to be performed in the penitentiary at Anamosa. (32 G. A., Ch. 192, Sec. 7.)

Sec. 5718-a12. Registers and records. The board of control shall cause to be kept at the reformatory and penitentiary such registers and records of prisoners for the use of the board of parole as may be approved by the executive council. (32 G. A., Ch. 192, Sec. 8.)

Sec. 5718-a13. Indeterminate sentences. After July fourth, nineteen hundred and seven, whenever any person over sixteen years of age is convicted of a felony, committed subsequent to July fourth, nineteen hundred and seven, except treason or murder, the court imposing a sentence of confinement in the penitentiary shall not fix the limit or duration of the same, but the term of such imprisonment shall not exceed the maximum term provided by law for the crime of which the prisoner was convicted; provided that if a person be sentenced for two or more separate offenses and the second or further term is ordered to begin at the expiration of the first and such succeeding term of sentence is specified in the order of commitment, the several terms shall for the purpose of this act be construed as one continuous term of imprisonment; and provided that where one is convicted of a felony that is punishable by imprisonment in the penitentiary, or by fine, or by imprisonment in the county jail, or both, the court may impose the lighter sentence if it shall so elect. (32 G. A., Ch. 192, Sec. 9.)

Sec. 5718-a14. Board of Parole—terms—office—supplies—compensation—secretary—salary—duties—employees. Prior to the adjournment of the thirty-second general assembly, the governor, with the advice and consent of the senate, shall appoint three electors of the state, not more than two of whom shall belong to the same political party, and one member of whom shall be a duly licensed attorney at law, as members of a board to be known as a board of parole.

Said members shall hold office, as designated by the governor, for two, four and six years, respectively; subsequent appointments shall be made as provided above, and shall be for a term of six years, except appointments to fill vacancies, which shall be for the unexpired term. The terms of the members first appointed shall commence July first, nineteen hundred and seven, and the chairman of the board shall be the member whose term first expires. Appointments made when the general assembly is not in session shall be subject to the approval of the senate when next in session. A suitable office at the capitol shall be provided for the use of the board, with such furniture and office supplies as shall be reasonably necessary for the use of the same, and such board shall hold at least four sessions each calendar year. They shall receive as compensation ten dollars per day for the time actually spent in discharge of the duties of this office, and all necessary expenses while on official business. The board of parole shall employ a competent secretary who shall receive a salary not to exceed two thousand dollars per year and necessary traveling expenses when on official business required and designated by the board. He shall keep records and perform such duties as state agent or otherwise, as shall be prescribed by the board. They may employ such other employes as the executive council may authorize by written resolution. (35 G. A., Ch. 33, Sec. 1; 34 G. A., Ch. 189, Sec. 1; 33 G. A., Ch. 3, Sec. 1; 32 G. A., Ch. 192, Sec. 10.)

Sec. 5718-a15. **Appropriation.** There is hereby appropriated from any funds in the state treasury not otherwise appropriated sufficient thereof to pay the salaries and expenditures herein authorized. (32 G. A., Ch. 192, Sec. 11.)

Sec. 5718-a16. **Traveling expenses—emergency trips.** The secretary and other employes shall be entitled to their necessary traveling expenses by the nearest traveled and practicable routes incurred in going from Des Moines to the penitentiaries or other places in the State when on official business. No expenditure for traveling expenses to other States shall be made by the board or any officer or agent thereof unless the

authority to make such trip is granted at a meeting of the board upon a written resolution adopted by the board, which shall state the purpose of such trip and the reason the same is deemed necessary. Emergency trips may be made upon written order of the chairman, which shall be reported to the board at its next meeting. (32 G. A., Ch. 192, Sec. 12.)

Sec. 5718-a17. **Itemized statement of expenditures—how approved and paid.** Before any expenses or per diem of the members of the board or any officer or agent thereof, or any expense incurred by others under the direction of the board shall be paid, a minutely itemized statement of such expenditures shall be presented to the proper authorities, duly verified, which certification shall aver that the expense bill is just, accurate and true, and is claimed for cash expenditures or cash disbursements truly and actually paid and made to the parties named as shown by said statement herein. Unless the said statement is so verified and duly audited, payment thereof shall not be made. The expense bills of the members of the board, the secretary and its other employes, when so verified, shall be presented to the executive council for their written audit before payment is made. The salaries and actual expenses of the board, the secretary and other employes shall be paid monthly by the treasurer of the state upon the warrant of the auditor of state. (32 G. A., Ch. 192, Sec. 13.)

Sec. 5718-a18. **Rules and regulations governing paroles—parole before commitment.** The board of parole shall have power to establish rules and regulations under which it may allow prisoners within the penitentiaries other than prisoners serving life terms to go upon parole outside of the penitentiary building, enclosures and appurtenances, but to remain while on parole in the legal custody of the wardens of the penitentiaries and under the control of the said board of parole and subject, at any time, to be taken back and confined within the penitentiary; it may, on the recommendation of the trial judge and county attorney, and when it shall appear that the good of society will not suffer thereby,

parole, after conviction and before commitment, persons not previously convicted of a felony; and the board shall have full power to enforce such rules and regulations and to retake and reimprison any such paroled convict. The order of said board certified by its secretary shall be a sufficient warrant for any peace officer to arrest and take into actual custody or to return to the penitentiary specified in the order any prisoner conditionally released or paroled by said board; and it is hereby made the duty of all peace officers to execute such order the same as any other criminal process and they shall receive the same fees as sheriffs for like services, the same to be paid out of the appropriation made herein, but no person shall be released on parole before the expiration of the maximum term provided by law for the punishment of the crime of which he was convicted until the board of parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance for at least six months. The time when a prisoner is upon parole or absent from the penitentiary shall not be held to apply upon his sentence if he shall violate the terms of his parole. (33 G. A., Ch. 231, Sec. 1; 32 G. A., Ch. 192, Sec. 14.)

Sec. 5718-a19. Inquiry relative to pardon or parole. The board of parole may institute any inquiry it may deem expedient in regard to any prisoner or application for pardon, final discharge or parole; but said board shall not receive, unsolicited by them, any petition or communication or argument in regard to said application, unless provided for in their adopted rules. (32 G. A., Ch. 192, Sec. 14½.)

Sec. 5718-a20. Board of parole to recommend pardon. It shall be the duty of the board of parole to keep in communication, so far as possible, with all persons who are on parole and when, in their opinion, any prisoner who has served not less than twelve months of his parole acceptably, has given such evidence as is deemed reliable and trustworthy that he is and will continue to be a law-abiding citizen and that his final release is not incompatible with the welfare of society; and when the said board of parole

shall have procured, as far as possible, all facts relating to the history of such paroled prisoner, both before and after his confinement and parole, and his record while detained, the board of parole shall recommend to the governor the discharge of such prisoner from further liability under his sentence. Said recommendation shall be entered on a proper record, kept by said board for that purpose, and a certified copy of the order of discharge, when made, by the governor, shall be filed with the clerk of the court in which said prisoner was sentenced to the penitentiary. All papers and documents relating to the pardon of any person shall, upon the granting of such pardon, become a part of the files of the governor's office. (32 G. A., Ch. 192, Sec. 15.)

Sec. 5718-a21. Power of Governor to grant reprieves, pardons or commutations not impaired. Nothing in this act contained shall be construed as impairing the power of the governor under the constitution, to grant a reprieve, pardons or commutations of sentence in any case. (32 G. A., Ch. 192, Sec. 16.)

Sec. 5718-a22. Clothing, money and transportation furnished paroled prisoners. Upon the release of any prisoner upon parole, he shall be furnished with clothing and money as provided in section fifty-six hundred eighty-four of the code, and transportation to his place of employment, provided that no further allowance shall be made if final discharge is granted while on parole. (32 G. A., Ch. 192, Sec. 17.)

Sec. 5718-a23. Investigation of applications for pardon. It shall be the duty of the board of parole, under the direction of the governor, to take charge of all correspondence in reference to the pardon of persons convicted of crimes and to carefully investigate each application, and to file its recommendation with the governor with its reasons for the same. (32 G. A., Ch. 192, Sec. 18.)

Sec. 5718-a24. Repeal. All acts and parts of acts which are in conflict with this act are hereby repealed in so far as they shall apply to persons convicted of crime committed after the fourth day of July, nineteen hundred and seven.

This act shall not operate, however, to repeal any of the laws now in force, in so far as they may relate to persons that have heretofore been convicted of a crime under the laws of the State of Iowa, or to any persons that shall hereafter be convicted of a crime committed on or before the fourth day of July, nineteen hundred and seven, and the rights under the law of all prisoners that are now or hereafter may be committed to the penitentiary for crimes committed on or prior to the fourth day of July, nineteen hundred and seven, are expressly preserved to them. This act shall not operate in any way to repeal any laws that refer to the sentence of persons hereafter convicted of murder in the first or second degree, or treason. (32 G. A., Ch. 192, Sec. 19.)

Sec. 5718-a25. Duty of clerk of district court and county attorney. It shall be the duty of the clerk of any court in which a prisoner shall be sentenced to the penitentiary, to furnish the board of parole a record containing a copy of the indictment with the minutes of testimony attached thereto; and the name and residence of the judge presiding at the trial and of the county attorney who prosecuted the prisoner; also the jurors and the witnesses sworn at the trial. The county attorney who prosecuted said prisoner and the presiding judge, shall, when requested by the board of parole, furnish to it a full statement of all the facts and circumstances connected with the commission of the crime of which the prisoner is convicted, so far as known or believed by them. (32 G. A., Ch. 192, Sec. 20.)

Sec. 5718-a26. Employment for paroled prisoners—duty of public officers. The board of parole may render such assistance as may be deemed necessary to the success of the parole system, in the procuring of employment with trustworthy employers for prisoners about to be paroled; and necessary expenses incident thereto, not already provided for, shall be paid as other expenses of the board. It is hereby made the duty of every public officer to whom inquiry may be addressed by the board of parole concerning any prisoner to give said board all information possessed or accessible to him

which may throw light upon the question of the fitness of said prisoner to receive the benefits of parole. (32 G. A., Ch. 192, Sec. 21.)

Sec. 5718-a27. Female convicts to be confined in reformatory. Any female heretofore or hereafter convicted of a felony and sentenced to confinement in the penitentiary shall be kept in the Reformatory at Anamosa. (32 G. A., Ch. 193, Sec. 1.)

(The Thirty-sixth General Assembly passed a law authorizing the Board of Control to establish an Industrial Reformatory for Females. The law is found in Chapter 8-a, Title 13, Sup. Sup. to the Code 1915, found on page 248. When this reformatory is established, the paroling of female convicts will be under the supervision of the Board of Control.)

PAROLE FROM BENCH.

LAW PERTAINING TO SUSPENSION OF SENTENCE BY THE COURT AS FOUND IN SECTION 5447-A, SUPPLEMENT TO CODE 1913.

Sec. 5447-a. Suspension of execution of sentence—guardianship—reports—pardon. That whenever any person over the age of sixteen years, and under the age of twenty-five years, shall be convicted of any crime against the laws of this state, excepting treason, murder, rape, robbery and arson, if such conviction shall be the first conviction of the defendant for a felony, the trial judge before whom such conviction is had, and by whom the judgment of the court is pronounced, shall have the power to suspend the execution of the sentence of such person so convicted and place such person in custody and under the care and guardianship of any suitable person a resident and citizen of the State of Iowa, during good behavior of such person so convicted, and the judge so exercising this power of suspension of the execution of sentence shall enter same upon the calendar and cause the same to be journalized and made of record in the court in which such conviction is had, and the person having such custody, care and guardianship of the person the execution of whose sentence has been suspended, shall make a full and complete report every thirty days, in writing, to the dis-

strict court wherein such conviction was had, showing the whereabouts and conduct of the person thus placed in his care, custody and guardianship. Such person, however, may be pardoned by the governor at any time after the suspension of execution of the sentence pronounced against him upon such conditions and with such restrictions and limitations as he may think proper. (35 G. A., Ch. 314, Sec. 1; 34 G. A., Ch. 184, Sec.1.)

Sec. 5447-b. Revocation. That after any such suspension of the execution of sentence shall have been granted the same may be revoked by the district court wherein such conviction was had or any judge thereof without notice, and the defendant committed in obedience to such judgment. (34 G. A., Ch. 184, Sec. 2.)

PARDONS.

THE LAW IN REFERENCE TO PARDONS, COMMUTATIONS, AND SUSPENSIONS OF SENTENCE, AS FOUND IN THE CONSTITUTION AND THE STATUTES, IN SO FAR AS IT APPLIES TO THE DUTIES OF THE BOARD OF PAROLE.

Sec. 16, Art. 4, Constitution of Iowa provides: The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the general assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 5626 (S.) By governor. The governor shall have power to remit fines and forfeitures upon such conditions and with such restrictions and limitations as he may think proper. After conviction of murder in the first degree, no pardon shall be granted by the governor until he shall have presented the matter to and obtained the advice of the board of parole thereon, but he may commute a death sentence to imprisonment in the penitentiary for life. Before presenting the matter to the board of parole for its action, he shall cause a notice containing the reasons assigned for granting the pardon to be published in two newspapers of general circulation, one of which shall be published at the capital and the other in the county where the conviction was had, once each week, for four successive weeks, the last publication to be at least twenty days prior to the session of the board of parole to which the matter shall be presented. (34 G. A., Ch. 186, Sec. 1; 31 G. A., Ch. 9, Sec. 27; C. '73, Sec. 4712; R. Sec. 5116; C. '51, Sec. 3278.)

Sec. 5627. Application for. When an application is made to the Governor for a pardon, reprieve or commutation, or for the remission of a fine or forfeiture, he may require the judge of the court, or the county attorney or attorney-general by whom the action was prosecuted, or the clerk of such court, to furnish him without delay a copy of the minutes of the evidence taken on the trial, and of any other facts having reference to the propriety of his exercise of his powers in the premises. He may also take the testimony of such persons, bearing upon such application, as he may deem advisable. Any person who, in giving such testimony, shall swear falsely, and any person who shall knowingly and corruptly make any false statements in an affidavit intended to be used in connection with an application for pardon, or for remission of fine or forfeiture, shall be guilty of perjury, and be punished accordingly. (C. '73, Sec. 4713; R., Sec. 5120.)

Sec. 5718-a19. Inquiry relative to pardon or parole. The board of parole may institute any inquiry it may deem expedient in regard to any prisoner or application for pardon, final dis-

charge or parole; but said board shall not receive, unsolicited by them, any petition or communication or argument in regard to said application, unless provided for in their adopted rules. (32 G. A., Ch. 192, Sec. 14½.)

Sec. 5718-a20. Board of parole to recommend pardon. It shall be the duty of the board of parole to keep in communication, so far as possible, with all persons who are on parole and when, in their opinion, any prisoner who has served not less than twelve months of his parole acceptably, has given such evidence as is deemed reliable and trustworthy that he is and will continue to be a law-abiding citizen and that his final release is not incompatible with the welfare of society; and when the said board of parole shall have procured, as far as possible, all facts relating to the history of such paroled prisoner, both before and after his confinement and parole, and his record while detained, the board of parole shall recommend to the governor the discharge of such prisoner from further liability under his sentence. Said recommendation shall be entered on a proper record, kept by said board for that purpose, and a certified copy of the order of discharge, when made by the governor, shall be filed with the clerk of the court in which said prisoner was sentenced to the penitentiary. All papers and documents relating to the pardon of any person shall, upon the granting of such pardon, become a part of the files of the Governor's office. (32 G. A., Ch. 192, Sec. 15.)

Sec. 5718-a21. Power of governor to grant reprieves, pardons or commutations not impaired. Nothing in this act contained shall be construed as impairing the power of the governor under the constitution, to grant a reprieve, pardons or commutations of sentence in any case. (32 G. A., Ch. 192, Sec. 16.)

Sec. 5718-a23. Investigation of applications for pardon. It shall be the duty of the board of parole, under the direction of the governor, to take charge of all correspondence in reference to the pardon of persons convicted of crimes and to carefully investigate each application, and to file its recommendation with the Governor with

its reasons for the same. (32 G. A., Ch. 192, Sec. 18.)

THE LAW WITH REFERENCE TO GOOD TIME ALLOWED PRISONERS AND TRUSTIES.

Sec. 5703 Code 1897. **Good conduct—diminution of sentence.** The deputy warden of each penitentiary shall keep a book in which shall be entered a record of each infraction of the published rules of discipline committed by a prisoner, with his name, and he shall forfeit, as herein provided, any diminution of time earned under this section. Each prisoner who shall have no infraction of the rules and regulations of the penitentiaries or laws of the state recorded against him, and who performs in a faithful manner the duties assigned to him, shall be entitled to the diminution of time from his sentence as appears in the following table for the respective years of the sentence, and if the sentence be for less than a year, then the pro rata part thereof:

(See next page for table.)

No. of Year of Sentence	Good Time Granted	Total Good Time Made	Time to be Served if Full Time is Made
1	1 month	1 month	11 months
2	2 months	3 months	1 year and 9 months
3	3 months	6 months	2 years and 6 months
4	4 months	10 months	3 years and 2 months
5	5 months	1 year and 3 months	3 years and 9 months
6	6 months	1 year and 9 months	4 years and 3 months
7	6 months	2 years and 3 months	4 years and 9 months
8	6 months	2 years and 9 months	5 years and 3 months
9	6 months	3 years and 3 months	5 years and 9 months
10	6 months	3 years and 9 months	6 years and 3 months
11	6 months	4 years and 3 months	6 years and 9 months
12	6 months	4 years and 9 months	7 years and 3 months
13	6 months	5 years and 3 months	7 years and 9 months
14	6 months	5 years and 9 months	8 years and 3 months
15	6 months	6 years and 3 months	8 years and 9 months
16	6 months	6 years and 9 months	9 years and 3 months
17	6 months	7 years and 3 months	9 years and 9 months
18	6 months	7 years and 9 months	10 years and 3 months
19	6 months	8 years and 3 months	10 years and 9 months
20	6 months	8 years and 9 months	11 years and 3 months
21	6 months	9 years and 3 months	11 years and 9 months
22	6 months	9 years and 9 months	12 years and 3 months
23	6 months	10 years and 3 months	12 years and 9 months
24	6 months	10 years and 9 months	13 years and 3 months
25	6 months	11 years and 3 months	13 years and 9 months

(23 G. A., Ch. 57, Sec. 1; 18 G. A., Ch. 154, Sec. 1.)

ADDITIONAL GOOD TIME TO HONOR MEN.

Supplemental Supplement 1915.

Sec. 5718-a11b. Reduction in sentence granted to trusties—board to regulate. Any inmate of the penitentiary, and any inmate of the reformatory, who may hereafter be engaged or employed in any service or labor outside the walls of the institution to which he or she is sentenced, or who may be listed as a "trusty," or "honor" inmate of such institution, may, at the discretion of the said board of control, or at the discretion of the warden of such institution acting under authority of the said board of control, be given and allowed a special reduction in term of sentence at the rate of ten days for each and every month so employed or listed; and every month of such employment shall be counted one month and ten days in point of service on the sentence to be served in addition to the "good time" allowed by law for good behavior; and the said board of control is hereby authorized and empowered to grant and allow such extra good time or special commutation of sentence, and to make all rules and regulations in relation thereto. (36 G. A., H. F. 628, Sec. 3.)

PAROLE VIOLATOR, PUNISHED AS AN ESCAPED PRISONER.

Sec. 4897-a (Sup. Code 1913).

Sec. 4897-a. Prison breach—escape—violation of parole. That section forty-eight hundred ninety-seven-a of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

"If any person committed to the penitentiary or reformatory shall break such prison and escape therefrom or shall escape from or leave without due authority any building, camp, farm, garden, city, town, road, street, or any place whatsoever in which he is placed or to which he is directed to go or in which he is allowed to be by the warden or any officer or employe of the prison whether inside or outside of the prison walls, he shall be deemed guilty of an escape from said

penitentiary or reformatory and shall be punished by imprisonment in said penitentiary or reformatory for a term not to exceed five years, to commence from and after the expiration of the term of his previous sentence. In order to constitute an escape under the provisions of this act it is not necessary that the prisoner be within any walls or enclosure nor that there shall be any actual breaking nor that he be in the presence or actual custody of any officer or other person. If any person having been paroled from the state penitentiary or state reformatory as provided by law, shall thereafter depart without the written consent of the board of parole from the territory within which by the terms of said parole he is restricted, or if he shall violate any condition of his parole or any rule or regulation of said board of parole he shall be deemed to have escaped from the custody within the meaning of section one of this act and shall be punished as therein provided." (35 G. A., Ch. 301, Sec. 1.; 29 G. A., Ch. 147, Sec. 1; R. Sec. 4294.)

RULES OF THE IOWA BOARD OF PAROLE.

(Adopted December 10, 1915.)

CONCERNING APPLICATIONS FOR PAROLE.

1. **Regular Sessions.** The regular sessions of the board of Parole will begin the first Monday in February, April, June, August, October and December, and will be held at the Reformatory, the Penitentiary, and at the Capitol building, and will continue from time to time until the business of the sessions are finished.

2. **All convicts interviewed—except life prisoners.** All convicts, except those serving life sentences, will be given personal interviews six months after entering prison, or as nearly then as possible, except in cases where the maximum sentence is two years or less, when they will be interviewed after serving from two to four months. All convicts, except those serving life sentences, are considered applicants for parole without making formal application. All cases will be passed on as nearly as possible within a year after the convict enters the prison. Any convict may apply to the board to have his case considered earlier than the time above designated, stating specifically the reasons therefor.

3. **Inmate's statement.** Prisoners being considered for parole will be required to make a statement on blanks furnished for that purpose. The prisoner must make out his own statement, if he is able to do so; if unable to make such statement, the same will be made out for him by a prison official designated for that purpose by the warden. Statements prepared by persons outside the prison and sent to the prisoner for his signature, or applications signed in blank and sent to one not authorized, to be filled in, will not be considered.

4. **Paroles before commitment.** An application for parole before commitment must be accompanied by the recommendations of the trial judge and the county attorney, as provided by Sec. 5718-a-18, Supplement Code 1913, and by the biographi-

cal statement made on the blank furnished by the board, also the indictment and minutes of testimony. The case will then be considered and passed upon.

5. Points of worthiness for parole. Judgment by the board of parole as to worthiness of the applicant for parole will be based on the following considerations, arranged in order of their relative importance:

1st. Previous record and environment.

2d. Record and character of the applicant as established in the institution.

3d. Nature and character of the crime committed.

4th. Probable surroundings of paroled.

5th. Information and impressions gained from personal interviews with the applicant.

6th. All other facts bearing upon the advisability of parole the board may be able to obtain.

6. Employment of paroled prisoners. Employment at some honorable calling, with some responsible and respectable person or persons, or corporation, shall first be secured for the proposed paroled inmate for a term not less than six months; such employment to be within the State of Iowa. When by a corporation, some individual member of the same, or other person, must assume the responsibility as an individual to care for the proposed paroled inmate. Such employer shall promise to report promptly any unnecessary absence from work, tendency to evil associations, intemperance or other violation of the conditions of the parole, and shall certify to the correctness of the monthly report required. The fitness of the employer to advise and superintend the conduct of the convict while on parole shall be certified by a district judge, county official, or by one personally known by a member of the board.

7. All prisoners interviewed—denied case may be reopened—correspondence directed to secretary. All prisoners, except those serving life sentences, who have filed their Inmate's statement, will be interviewed and considered in the order in which they have entered prison, except in extraordinary cases when the board may order that an exception be made to the rule. The case of a

prisoner which has once been denied will not be reopened within one year, unless when the same is passed upon, the board shall make order therefor. The question of the sufficiency of the showing for a reopening lies wholly within the discretion of the board. Any evidence bearing on a case will be received and considered, and oral statements will be heard by the board when in session. All persons possessing material information which will be of value in determining any case, are requested to communicate the same to the board. Correspondence should be addressed to the secretary of the board of parole, Des Moines, Iowa. Oral statements must be made to the board when in session and not to the individual members thereof.

8. Files not open to inspection. The files in any case will not be open to inspection unless it is shown that the ends of justice require their disclosure, and then only on the order of the board.

9. Parole violator returned to prison. The board may impose upon the convict ordered paroled such special conditions as it may deem advisable, failure to comply with which shall constitute a violation of parole, for which the convict may be returned to the institution from which he was paroled.

10. Equal consideration to all prisoners. All cases will be given equal consideration whether the prisoner has a personal representative before the board or not, and action will be taken in each case as promptly as possible. All matters appertaining to the case must so far as practicable be submitted in writing and filed with the secretary.

CONCERNING PRISONERS ON PAROLE.

11. To commence work. The paroled prisoner shall proceed at once to the place of employment provided for him, and enter upon his work, and shall not change his place of employment or residence without the consent of the board of parole.

12. Monthly reports—savings deposits. He shall on the first day of each month, until his final release, transmit to the board a report of himself on blanks furnished by the board, stating

whether he has been constantly at work during the preceding month, and if not employed the reason for the same. His report must show how much he has earned, how much expended, how much he has on hand, and a general statement of his surroundings and prospects. The board may require him to deposit as savings a portion of his earnings. Such report must be indorsed as correct by his employer.

13. Keep good habits—not to marry. He shall in all respects conduct himself honestly, avoid evil associations, spend his evenings after working hours at home, and in general, conduct himself as an honorable and law-abiding citizen, and shall abstain from the use of intoxicating liquors, from smoking cigarettes, and from visiting saloons and all places of evil repute. He shall not marry while on parole without the consent of the board.

14. Custody and control. He shall, while on parole, remain in the legal custody of the warden, and under the control of the board.

15. May revoke parole. He shall be liable to be retaken and again confined within the prison or reformatory from which he was paroled for any reasons that are satisfactory to the board.

16. Failure to report, etc.—penalty. If he fails to report to the board on the first day of each month or violates any of the conditions imposed in his parole agreement, he forfeits his parole and renders himself liable to be returned at once to the institution from which he was paroled.

17. Shall not leave state. No paroled prisoner shall, during the term of his parole, leave the state.

18. Interest in paroled prisoner. The board of parole takes a lively interest in all paroled prisoners, and they need not hesitate to freely communicate with the secretary in case they become unable to labor by reason of sickness or otherwise. It is the intention of the board in granting a parole, to give the convict the opportunity of becoming a good, respectable and industrious citizen, and to aid him in that effort.

19. Final discharge of paroled prisoners. Those who have served acceptably their year or more on parole and desire their final discharge from their sentence, are governed by the following, Section 5718-a-20, Supplement Code of Iowa 1913: "It shall be the duty of the board of parole to keep in communication, so far as possible, with all persons who are on parole and when, in their opinion, any prisoner who has served not less than twelve months of his parole acceptably, has given such evidence as is deemed reliable and trustworthy that he is and will continue to be a law-abiding citizen and that his final release is not incompatible with the welfare of society; and when the said board of parole shall have procured, as far as possible, all facts relating to the history of such paroled prisoner, both before and after his confinement and parole, and his record while detained, the board of parole shall recommend to the Governor the discharge of such prisoner from further liability under his sentence. Said recommendation shall be entered on a proper record, kept by said board for that purpose, and a certified copy of the order of discharge, when made, by the governor, shall be filed with the clerk of the court in which said prisoner was sentenced to the penitentiary. All papers and documents relating to the pardon of any person shall, upon the granting of such pardon, become a part of the files of the governor's office."

Before any person on parole shall be recommended to the governor for final discharge, he shall file with the board a recommendation on blanks furnished by the board, signed by at least six responsible citizens of Iowa, and the said recommendation must be accompanied by a certificate of the clerk of the district court stating that the persons signing the recommendation are people of good standing.

CONCERNING APPLICATIONS FOR PARDON.

20. Pardons granted by governor only. Section 16, Article 4, of the Constitution provides: "The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for

all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law."

It will be observed that the power of granting pardons is vested exclusively in the governor.

21. Pardons referred to the Board by the Governor. Persons who make application for pardon, are governed by Section 5718-a23 as follows: "It shall be the duty of the board of parole, under the direction of the governor, to take charge of all correspondence in reference to the pardon of persons convicted of crimes, and to carefully investigate each application, and to file its recommendation with the governor with its reasons for the same."

From the foregoing it will be seen that applications for pardon by persons other than those on parole, must be made to the governor. Applications for pardon will be considered by the board at its regular sessions, which are held commencing on the first Monday in the months of February, April, June, August, October and December.

22. Applications for pardon—blanks furnished. The application for pardon must be made in writing, addressed to the governor, signed by the applicant, and must contain a brief history of the case, the reasons why a pardon should be granted, and a brief biography of the applicant. Application blank for this purpose will be forwarded upon request made to the Governor. Said application must also be accompanied if possible by a statement from the trial judge and county attorney who prosecuted. The application shall then be filed in the governor's office. The board of parole will consider all pardon cases referred to it by the governor which have been filed with the secretary of the board of parole at least five days prior to the first day of the session at which the same is to be considered.

23. Hearings on pardons before board. Applications for pardon, after they have been received from the governor, will be considered by the board of parole in the order in which they are filed. Printed or typewritten arguments will be considered. Applicants for pardon may appear in person or by counsel. Oral statements

must not exceed thirty minutes on each side, except by special permission of the board.

24. Procedure for pardon hearings before board. The board will consider such matters presented to it as may properly be the basis for its advice or recommendation to the governor. Newly discovered evidence, and facts and circumstances occurring subsequent to the conviction will be considered by the board. The board may require such evidence to be accompanied by one or more affidavits from responsible persons that the same was not heard on the trial of the cause. The board may require that evidence other than that contained in the record shall be prepared in accordance with the statute relating to the taking of depositions, and that a notice of the taking of depositions shall be served on the county attorney. Evidence referred to in this rule may be presented by affidavits, the officer before whom the affidavits are made certifying that the persons making the affidavits are persons whose testimony is entitled to credit. The court records, so far as the board may have access to them, will be carefully considered, for the purpose of aiding in determining whether or not pardon should be recommended. In addition, the board will make any inquiry it may deem advisable, of any officer, citizen, or corporation as to the character of the prisoner, or any circumstances connected with the case.

25. Correspondence filed with secretary—hearings in open session. All correspondence in reference to pardon cases, after they have been referred to the board by the governor, must be addressed to or filed with the secretary of the board of parole at Des Moines. Applications will be heard at open sessions of the board only, and will not be entertained or considered individually by any member.

The foregoing rules were adopted by the Iowa Board of Parole in regular session at Des Moines, Iowa, Dec. 10, 1915.

SAM D. WOODS, Secy.

INDEX AND MAXIMUM TERMS OF SENTENCES IMPOSED BY LAW FOR FELONIES; ALSO SHOWING IN PARENTHESES THOSE FELONIES THAT MAY TAKE JAIL OR A FINE PENALTY.

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